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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,463	10/18/2001	Jeremy Burr	P-5889-US	3948
49444 7590 04/28/2009 PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY, 12TH FLOOR NEW YORK, NY 10036				
EXAMINER				
ISMAIL, SHAWKI SAIF				
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2455				
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04/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/035,463

**Applicant(s)**

BURR, JEREMY

**Examiner**

SHAWKI S. ISMAIL

**Art Unit**

2455

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5 and 7-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**RESPONSE TO AMENDMENT**

1. This communication is responsive to applicant's amendments and remarks received on January 15, 2009.

Claims 1, 3-5, 7, and 18 have been amended.

Claims 3 and 6 are cancelled

Claims 1-2, 4-5, and 7-28 are pending further examination.

**The New Grounds of Rejection**

2. Applicant's amendment and arguments have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, and 7-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmed et al., (hereinafter referred to as Ahmed) U.S. Patent No. 6,816,460 in view of Kagan et al., (hereinafter referred to as Kagan) et al., U.S. Patent No. 5,618,045.

5. As to claim 1 and 7, Ahmed teaches a mobile device, comprising:

a processor to establish said subset of the ad-hoc network of the mobile devices of the ad-hoc network wherein the processor is able to establish, within said mobile ad-hoc network, based on the routing table, wherein a route of the routing table is determined according to a cost of

routing and includes a direct or indirect route to an intended device of said subset of the ad-hoc network. (refer to Figs. 1 and 2 and col. 4, lines 9-25, col. 9, lines 1-20).

Ahmed does not explicitly teach a memory to store an installed application software package chosen by a user of the mobile device to be installed on the device, wherein the application software package enables users of a mobile ad-hoc network having the same application software installed on their devices to share and operate the installed application software of each other via the ad-hoc network.

Kagan teaches an interactive multiple player game system including at least two playing devices communicating over an ad-hoc, wireless, and all-to-all broadcast network. A playing device includes a processor for running a game scenario common to all of the playing devices within the network, a player controlled interface for enabling a player action within the game scenario, a transmitter for transmitting the player action over the network, a receiver for receiving player actions from other playing devices transmitting over the network, and a display for displaying at least a portion of the game scenario. The interactive multiple player game system can further include a play station device and an interface apparatus for interfacing between the play station device and the playing devices. (see abstract)

Therefore, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Kagan the invention of Ahmed so that mobile devices that have compatible software application are identified so that communication between them may be established.

6. As to claim 2, Ahmed teaches a mobile device according to claim 1, wherein the application software package comprises a game, the sub-network includes at least a sub-network

of the game users ( refer to Kagan , abstract) and one or more routes to the one or more other mobile devices (see Ahmed, Fig. 1 and 2, col. 4, lines 9-25).

7. As to claim 3, Ahmed teaches a device according to claim 1, comprising:  
a routing table stored in the memory, the routing table including the routing list (col. 4, lines 9-25).
8. As to claim 4, Ahmed teaches a mobile device according to claim 3, wherein the routing table is designed to store a route to at least one other reachable device (col. 4, lines 35-45).
9. As to claim 5, Ahmed teaches a mobile device according to claim 1, wherein the receiver is able to receive from a second mobile device another routing of other devices reachable from said second mobile device (col. 4, lines 35-45, col. 6, lines 30-54).
10. As to claims 7-28, they do not teach or define any new limitation above claims 1, 2 and 4-5, therefore; they are rejected for similar reasons.

### Response to Arguments

11. Applicants' arguments have been fully considered however they are not deemed to be persuasive. Applicant argues in substance that:

Applicant argues that neither Ahmed not Kagan alone or in combination teach or disclose "...a device list including devices having the same installed application software package, said device list including a routing table to said device..." Applicant further argues that neither Ahmed not Kagan alone or in combination teach or disclose "...a route of the routing table is determined according to a cost of routing and includes a direct or indirect route to an intended device of said subset of the ad-hoc network..." and "...establish said subset of the ad-hoc

network of the mobile devices of the ad-hoc network that include said installed application software package on the routing table..."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

At the onset, Kagan specifically teaches setting up an Ad-hoc network of interactive multiplayer games system. Each user of a playing device contains a common game as other users on the network. The multiplayer game environment is imitated when user a user imitates a multiplayer interactive game environment and other users join in (Kagan: abstract and col. 6, lines 7-39). Therefore the multiplayer interactive game is comprised of a plurality of players each running a game scenario common to all the playing devices and as such constitute a list of devices that will undergo the communication. Furthermore since the devices are communicating with each other over the network, each device will inherently contain a routing table to the other device involved in the multiplayer interactive game. Ahmed teaches the user of these routing tables in routing data between nodes (mobile devices) communicating in an Ad-hoc network.

Ahmed teaches establishing a mobile ad-hoc network of mobile devices that are capable of communicating with each other and constructing a subset of the mobile devices of the ad-hoc network to enable routing of a packet either in their local area or outside their local area. A node may communicate with any node in the ad-hoc network; however it chooses to communication to only those that are in line with the destination node. The node therefore forms a routing list of only a subset (the chosen nodes) of the devices of the ad-hoc network. Furthermore The route to

the destination may be based on a direct route or through other nodes (indirect route) (refer to Ahmed Fig. 1). The routing table is determined based on a minimum number of hops (cost) it take to get to the destination (refer to Ahmed Fig. 2). Therefore Ahmed meets the scope of the claimed limitation. Therefore, Ahmed in view of Kagan teaches the claimed subject matter and renders the claims obvious. It is advised that, in order to further expedite the prosecution of this application and overcome the cited prior art, applicant should amend the base claims to describe in more narrow detail the true distinguishing features of applicant's claimed invention. The applicant is encouraged and welcomed to contact the examiner in an attempt to coordinate efforts in expediting prosecution of this application.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/  
Examiner, Art Unit 2455  
April 26, 2009



